

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

PATRICK M. CARROLL,

Plaintiff,

v.

NAMECHEAP, INC.,

Defendant.

Case No. 22-Civ.-5684 (LAK)

**AFFIDAVIT IN SUPPORT OF ORDER TO SHOW CAUSE**

**REDACTED FILING**

Michael Patrick Carroll, makes the following affirmation under the penalties of perjury:

I, Michael Patrick Carroll, am the plaintiff in the above-entitled action, and respectfully move this Court to issue an order enjoining Namecheap, Inc. from hosting and publishing content on the website [REDACTED] (“the Website”), until a final disposition on the merits of the above-entitled action.

I am proceeding by order to show cause rather than by notice of motion because the harm caused to me and my company by the continued dissemination of the content contained on the Website is flagrant, ongoing, and irreparable, and therefore requires the Court’s immediate intervention.

I have made the following attempts to contact the Defendant(s) and inform them that I am seeking a temporary restraining order:

My counsel, Duncan Levin, Esq., contacted counsel for NameCheap, Inc. in an attempt to have the website taken down. Counsel for Defendant NameCheap, Inc. informed that they would take the website down pursuant to a valid court order for removal of the content.

Unless the preliminary injunction and temporary restraining order are issued, I will continue to suffer immediate and irreparable injury shown by the following facts:

The Website has posted libelous and illegally obtained content about me that has harmed my personal, business, and philanthropic reputations and the reputation of my company. Namely, the website uses my name and photographs and falsely accuses me of being a domestic abuser, financially delinquent, homophobic, and a criminal, among other falsities. The website also disseminates a private telephone conversation between me and my ex-wife that was recorded without my consent while we were both in Florida, which is a violation of that state's eavesdropping law.

A temporary restraining order against Namecheap, Inc. would cease the above-mentioned irreparable harm while I prosecute this case.

The undersigned Plaintiff in this action has a likelihood of success on the merits because Florida law expressly provides civil remedies against a person who records another person's electronic communications without their consent. Florida law further provides civil remedies against a person who disseminates an illegal recording regardless of whether that person recorded it. Because I did not consent to the recording of the phone conversation between me and my ex-wife that is published on the Website, the Defendant is in clear violation of Florida law.

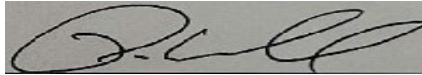
The Court's ordering a temporary restraining order prohibiting the publication of the Website will allow me to proceed with this civil action while ceasing further irreparable harm to

me and my company during the intervening period. It is expected that my counsel will file a memorandum in support of a preliminary injunction during said period for continued relief after the expiration of the temporary restraining order.

For the foregoing reasons, I respectfully request that the Court issue the temporary restraining order described above, as well as such other and further relief as may be just and proper.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 5, 2022

A handwritten signature in black ink, appearing to read "M. P. Carroll", is shown within a rectangular box.

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Michael Patrick Carroll